

**JANUARY 7, 2008**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE DISTRICT COURT OF THE NORTHERN DISTRICT  
OF ILLINOIS, EASTERN DIVISION**

ZARAGON HOLDINGS, INC., )  
an Illinois Corporation, )  
 )  
Plaintiff, ) Case No.:  
vs. )  
 )  
INDIAN HARBOR INSURANCE COMPANY, )  
a North Dakota Corporation, )  
 )  
Defendant. )

**KC**

**08 C 111**

**NOTICE OF REMOVAL**

Now Comes the Defendant, Indian Harbor Insurance Company ("Indian Harbor"), by and through its attorneys, McDonald & McCabe, LLC, and as its Notice of Removal pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, state as follows:

1. Plaintiff Zaragon Holdings, Inc. commenced this cause of action on December 7, 2007 in the Circuit Court of Cook County, Illinois, Law Division, under Case No. 2007L013719.

2. Plaintiff's cause of action is for property damage, breach of an insurance contract, and vexatious denial of a claim.

3. Pursuant to 28 U.S.C. §1332, Plaintiff's cause of action is one which United States District Courts have original jurisdiction by virtue of diversity of citizenship.

4. Defendant Indian Harbor is a corporation organized under the laws of the state of North Dakota with its principal place of business in Stamford, Connecticut.

5. Plaintiff is a corporation organized under the laws of the state of Illinois with its principal place of business located in Chicago, Illinois.

6. The amount in controversy in this action exclusive of interest and costs exceeds \$75,000.00, as is indicated in Plaintiff's Property Loss Notice, estimating the amount of the alleged loss at \$120,000. A copy of Plaintiff's Property Loss Notice is attached hereto as **Exhibit A**.

7. Defendant Indian Harbor was served with a copy of the summons and complaint at 70 Seaview Avenue, Seaview House, Stamford, Connecticut, 06092 on December 17, 2007. A copy of all pleadings, including the summons, complaint, and certificate of service is attached hereto as **Exhibit B**.

8. As a result, this notice is being filed within thirty days after the date of service of process upon the defendant, and defendant has not filed any responsive pleadings in this case in the Stat Court prior to the filing of this Removal Petition. A copy of defendant's Affidavit of Filing is attached hereto as **Exhibit C**.

WHEREFORE, Defendant, Indian Harbor Insurance Company, petitions that this cause of action be removed from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

Indian Harbor Insurance Company

s/ James K. Schultz  
James K. Schultz

James K. Schultz  
Thomas A. McDonald  
Nicholas Novak  
McDonald & McCabe, LLC  
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Suite 2100  
Chicago, IL 60606  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 7<sup>th</sup> day of January, 2008, a copy of the foregoing

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was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy has also bent sent via U.S. Mail upon the following attorney of record:

Guy Delson Geleerd, Jr.  
Geleerd Law Group, LLC  
30 North LaSalle Street, Suite 3400  
Chicago, Illinois 60603

s/ James K. Schultz  
Attorney for Defendant

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